

**FOREIGN CLAIMS SETTLEMENT COMMISSION
OF THE UNITED STATES
WASHINGTON, D.C. 20579**

IN THE MATTER OF THE CLAIM OF

GLEN M. WATTERS
and
DOROTHY A. WATTERS

Claim No. CU -0281

Decision No. CU 4817

**Under the International Claims Settlement
Act of 1949, as amended**

PROPOSED DECISION

This claim against the Government of Cuba, under Title V of the International Claims Settlement Act of 1949, as amended, was presented by GLEN M. WATTERS for \$136,880.90 based upon the asserted ownership and loss of improved real property, personalty and a stock interest in Cuba. DOROTHY A. WATTERS, under the community property law of Cuba, had a one-half interest in certain property held by her husband in Cuba. Accordingly, she is joined as claimant in this matter. Both claimants have been nationals of the United States at all times pertinent to this claim.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term 'property' means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

The properties subject of this claim have been described as follows:

1. Improved real property at 22210 Calle 7, Biltmore	\$ 56,500.00
2. Household furnishings and similar property	12,380.90
3. 68 shares of Powe Machinery Company, S.A.	<u>68,000.00</u>
	\$136,880.90

Real Property

The record includes the deed for the purchase by claimants in 1956 of a plot of land measuring 2,000 square meters in Biltmore, Marianao. Additionally claimants have submitted the building permit, copy of the plans for construction of a house, and certificate of habitability. On this basis the Commission finds that claimants owned a fully-furnished residence at 22210 Calle 7, Biltmore, Marianao.

Claimant, GLEN M. WATTERS, left Cuba on November 5, 1960, leaving a caretaker in charge of his property. On December 30, 1960 Cuban militia took over the property, evicting the caretaker. On January 2, 1961 DOROTHY A. WATTERS was refused admittance. The Commission finds that the Government of Cuba took the claimants' improved real property and personalty on December 30, 1960.

The Act provides in Section 503(a) that in making determinations with respect to the validity and amount of claims and value of properties, rights, or interests taken, the Commission shall take into account the basis of valuation most appropriate to the property and equitable to the claimant, including but not limited to fair market value, book value, going concern value or cost of replacement.

Claimant has submitted several affidavits of individuals familiar with the property, expressing opinions as to value. Additionally the record includes a description of the house as one-story masonry and monolithic plaque, with carport, entrance and vestibule, living room, dining room, hall and porch, five bedrooms and three baths, laundry, kitchen, other facilities. The architect's plans reflect that of the 2,000 square meters of land, about 376 were built up. Moreover, the property was equipped with usual facilities and built-in items customary in such a property.

On the basis of this record the Commission finds that the improved real property had a value of \$53,880.00 on the date of loss, and further, that claimants suffered a loss in that amount within the meaning of Title V of the Act.

Personal Property

Claim has been asserted in the amount of \$12,380.90. A listing of such property has been submitted attached to a copy of claimant's letter report of January 7, 1961, to the Department of State. This itemized listing has been examined, as well as affidavits submitted by claimant.

On the basis of the record, and considering evidence as to the value of similar properties, the Commission finds that \$12,380.90 represents the fair value of the property on December 30, 1960, when it was taken by the Government of Cuba, and finds that claimants suffered a loss in that amount within the scope of Title V of the Act.

Stock Interest

Claim has been asserted in the amount of \$68,000.00 for the value of 68 shares of Powe Machinery Company, S.A.

In our decision entitled the Claim of William A. Powe (Claim No. CU-0502 which we incorporate herein by reference), we held that the properties owned by the Company were nationalized or otherwise taken by the Government of Cuba on October 24, 1960, and that this type of claim is compensable to an

American national under the facts and conditions set forth therein. We need not again detail here the reasons or the method used in determining the value per share of \$1,456.76.

On the basis of evidence in the record in the instant case, the Commission finds that claimant GLEN M. WATTERS comes within the terms of the Powe decision; that he has been the owner of 68 shares of stock in the Powe Machinery Company, S.A., since prior to October 24, 1960; and that he suffered a loss in that connection in the amount of \$99,059.68 within the meaning of Title V of the Act.

Accordingly, the Commission concludes that claimants suffered losses within the meaning of Title V of the Act, as the result of the taking of their property by the Government of Cuba as follows:

<u>Item</u>	<u>Date of Loss</u>	<u>Value</u>
<u>DOROTHY A. WATTERS:</u>		
1/2 improved realty	December 30, 1960	\$ 26,940.00
1/2 personalty	December 30, 1960	6,190.45
		\$ 33,130.45
<u>GLEN M. WATTERS:</u>		
1/2 improved realty	December 30, 1960	\$ 26,940.00
1/2 personalty	December 30, 1960	6,190.45
68 shares of Powe Machinery	October 24, 1960	99,059.68
		\$132,190.13

The Commission has decided that in certification of losses on claims determined pursuant to Title V of the International Claims Settlement Act of 1949, as amended, interest should be included at the rate of 6% per

annum from the date of loss to the date of settlement (see Claim of Lisle Corporation, Claim No. CU-0644), and in the instant case it is so ordered, as follows:

<u>FROM</u>	<u>ON</u>
<u>DOROTHY A. WATTERS:</u>	
December 30, 1960	\$ 33,130.45
<u>GLEN M. WATTERS:</u>	
December 30, 1960	\$ 33,130.45
October 24, 1960	<u>99,059.68</u>
	\$132,190.13

It will be noted that the total amount of loss found herein is in excess of the amount asserted by claimants. However, in determining the amount of loss sustained, the Commission is not bound by any lesser or greater amounts which may be asserted by claimants as the extent thereof.

CERTIFICATION OF LOSS

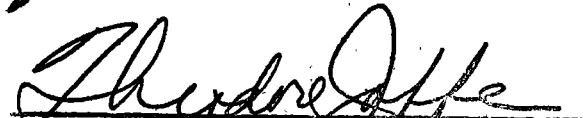
The Commission certifies that DOROTHY A. WATTERS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of Thirty-three Thousand One Hundred Thirty Dollars and Forty-five Cents (\$33,130.45) with interest at 6% per annum from December 30, 1960 to the date of settlement; and

The Commission certifies that GLEN M. WATTERS suffered a loss, as a result of actions of the Government of Cuba, within the scope of Title V of the International Claims Settlement Act of 1949, as amended, in the amount of One Hundred Thirty-two Thousand One Hundred Ninety Dollars and Thirteen Cents (\$132,190.13) with interest at 6% per annum from the aforesaid dates of loss to the date of settlement.

Dated at Washington, D. C.,
and entered as the Proposed
Decision of the Commission.

MAY 6 1970


Lytle S. Garlock, Chairman


Theodore Jaffe, Commissioner


Sidney Freidberg, Commissioner

NOTICE TO TREASURY: The above-referenced securities may not have been submitted to the Commission or if submitted, may have been returned; accordingly, no payment should be made until claimant establishes retention of the securities or the loss here certified.

The statute does not provide for the payment of claims against the Government of Cuba. Provision is only made for the determination by the Commission of the validity and amounts of such claims. Section 501 of the statute specifically precludes any authorization for appropriations for payment of these claims. The Commission is required to certify its findings to the Secretary of State for possible use in future negotiations with the Government of Cuba.

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. 531.5(e) and (g), as amended, 32 Fed. Reg. 412-13 (1967).)

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